Antitrust Syllabus

Course: Law 704/550
Fall 2009

Professor Lande
M & W 4:45-6:00 p.m.
LC 206

Required Material:


— Professor's 2009 Supplement

Note: The publisher said the new edition will be out in August 2009. We will work from the book’s page proofs if the book is late.

This course will have a TWEN page through Westlaw. The page will include this syllabus, required readings, and other material. The site will also facilitate email communications, including messages about the substance of the course and, if necessary, announcements about class cancellations or make-up classes. Sign up for this as soon as possible.

Additional material may be distributed throughout the course.

The assigned reading is set forth below, and should be read in order unless the instructor specifies a change in sequence. Please note that the following page numbers are extremely tentative. They were taken from the draft textbook’s page proofs, and the final pagination could differ. Do not rely on these page numbers - they are only a rough guide.

Pages in Textbook plus corresponding pages in the Professor's Supplement

I. Introduction and the Goals of Antitrust 1-11, 20-22(read), 53-59(read), 81-88(read)

II. Antitrust Economics 33-36, 41, 44-51

III. Monopoly (Including Market Definition) 603-06 (read), 606-17, 1064-72, 629-39, 663-73, 688-97, 716-35, 746, 752, 755-64, 767-71(read), 780-86 (read), 297, 337-50

IV. Mergers 1061-1086, 827-45, 855-64, 869-73 (read), 873-81, 882-84 (read), 797-800, 905-07(read)
V. Agreements Among Competitors 1075-78, 187-90 (read), 190-96, 236-49, 254-88, 917, 292-300, 310-32, 377-78

VI. Joint Ventures and Boycotts 360-64 (read), 908-10, 382-83, 366-72, 399-413, 387-93, 701-06 (read), 414-16


VIII. Price Discrimination: The Robinson Patman Act 925-30 (read), 930-33

IX. Defenses, Exemptions and Legal Monopolies 999-1000, 1013-1020, 1025-54 (read)

Attendance and Preparation

Regular and punctual attendance is expected. A student whose unexcused absences exceed 3 classes or whose total absences, excused and unexcused, exceed 5 classes may be compelled to withdraw from the course. Repeated tardiness, other absence from class for part of a period, and inattention may be included in the calculation.

The Catalog of the School of Law notes that about 3 ½ to 4 ½ hours preparation is necessary for each 75 minutes class, and that additional time is required for review and for preparation for examinations. In addition, it is recommended that each student spend about thirty minutes reviewing that day's material as close to class time as possible.

Each student is expected to study the assigned material and to be prepared to discuss it in class. This means that the student has learned the material and is ready to refine his or her understanding of its philosophy, analytical framework and nuances. For students not prepared, the class may not have much meaning.

On those rare occasions when a student is not prepared for class discussion, he or she should give a note so stating to the instructor before class. The instructor will not call on these students. If a student does this infrequently, no subtraction from that student's grade will be made. As noted above, however, if a student often is unprepared for class discussion his or her grade may be lowered one level.
**Office Hours**

Professor Lande will be available after class (but not before class). Subject to meetings of the faculty and its committees, Professor Lande's office hours in Room 301 of the Law Center (telephone 410-837-4538; E-Mail rlande@ubalt.edu) will be:

- **Monday** 2:30 - 4:00 p.m. (There will be a sign up sheet on the door of room 301).
- **Wednesday** 2:30 - 4:00 p.m.
- Other times by appointment, or just stop by room 301.

**Grading Policy**

Course grades primarily will be based upon the final exam. Voluntary class participation that is thoughtful and non-domineering can raise a student's grade as much as one level (i.e., from a B to a B+). Quality, not quantity, counts. Voluntary class participation that does not contribute to the discussion will not, however, cause a grade to be lowered.

If a student often is unprepared for class discussions the instructor may lower his or her grade by one level. A student who is prepared but does not do well on the assigned problems or cases will not be penalized.

**Administrative Matters:**

**Seating:** Students should decide where they want to sit by the second class. Students should sit at the seat they picked their second class for the remainder of the course. Students should sit as close to the front as possible. This will facilitate eye contact between the instructor and the students.

**Taping:** Students may tape the class. There could be times when you are forced to miss class for religious or other nondiscretionary reasons. If you give me at least ten days notice I should be able to have the class videotaped. After you view the videotape you will get full credit for being present in class that day, and you will get more out of the class than you would from just reading a classmate's notes. Alternatively, or as a backup, you could give a friend an audio recording device. This is not as good as a videotape, but your friend might be more reliable than the audiovisual department.

**Cell phone:** Turn your cell phones and other personal electronic devices to off or to vibrate before class starts. You will be very embarrassed if your cell phone goes off in class.

**Laptop use:** Students may not use their laptop, cell phone, iPod, or other electronic device for anything not directly related to the Antitrust course. Prohibited activity includes talking, reading or sending E Mails, playing games, surfing the Web, text messaging, twittering, blogging and IMing.
**Class rules:** Students may not speak out in class unless recognized. Moreover, students may not be recognized or may be interrupted by the instructor if time is short. The instructor apologizes in advance for these situations and urges these students to see him immediately after class or during office hours.

Students may not talk with each other during class or read outside material during class. This is distracting and discourteous and will not be tolerated. This policy will be strictly enforced.

**Forms of address:** Students will be addressed as Mr. or Ms.

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**Additional Reference Material**

Areeda et al., "Antitrust Law: An Analysis of Antitrust Principles and their Applications" (many volumes) (1978 et. seq.)

ABA, "Antitrust Law Developments 5th"

Bork, "The Antitrust Paradox" (1978)


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